

A CERTIFIED TRUE COPY

OCT 21 2003

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONJUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT - 3 2003

FILED
CLERK'S OFFICE

DOCKET NO. 1535

NOV 10 2003

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

3:03CV927

IN RE WELDING ROD PRODUCTS LIABILITY LITIGATION**CONDITIONAL TRANSFER ORDER (CTO-4)****(SEE ATTACHED SCHEDULE)**

On June 23, 2003, the Panel transferred three civil actions to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to U.S.C. § 1407. Since that time, 60 additional actions have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable Kathleen McDonald O'Malley.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Northern District of Ohio and assigned to Judge O'Malley.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Ohio for the reasons stated in the order of June 23, 2003, ___ F.Supp.2d ___ (J.P.M.L. 2003), and, with the consent of that court, assigned to the Honorable Kathleen McDonald O'Malley.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Ohio. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

OCT 21 2003

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

BY: *[Signature]*
J. NOBLIN, CLERK
DEPUTY CLERK

FOR THE PANEL:

[Signature: Michael J. Beck]

Michael J. Beck

Clerk of the Panel

I hereby certify that this instrument, is a true and correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of OhioBy: *[Signature: Renee Schmitt]*
Deputy Clerk

19

**SCHEDULE CTO-4 - TAG ALONG CASES
DOCKET NO. 1535
IN RE WELDING ROD PRODUCTS LIABILITY LITIGATION**

DISTRICT DIV. CIVIL ACTION#

MISSISSIPPI SOUTHERN

MSS	2	03-387	Tami L. Dykes, et al. v. Lincoln Electric, et al.
MSS	2	03-388	Lissa R. Johnson, et al. v. Lincoln Electric, et al.
MSS	2	03-389	Thomas J. Carter, et al. v. Lincoln Electric, et al.
MSS	2	03-394	Glenora S. Robinson, et al. v. Lincoln Electric, et al.
MSS	2	03-395	Kenneth W. Adams, et al. v. Lincoln Electric Co., et al.
MSS	2	03-397	Ernest Bolton, et al. v. Lincoln Electric, et al.
MSS	3	03-920	Billy Joe Holloway v. B&R Industrial Supply, et al.
MSS	3	03-923	Robert C. Carr, et al. v. Lincoln Electric Co., et al.
MSS	3	03-925	Norris G. Lingle, et al. v. Lincoln Electric Co., et al.
MSS	3	03-927	Anson M. Russell, et al. v. Lincoln Electric Co., et al.
MSS	4	03-281	Zachery T. Jones, et al. v. Lincoln Electric, et al.
MSS	5	03-388	Jessie H. Green, et al. v. Lincoln Electric Co., et al.
MSS	5	03-390	William H. Paige, Sr. v. Lincoln Electric Co., et al.
MSS	5	03-396	Harry Anderson, et al. v. Lincoln Electric Co., et al.
MSS	5	03-398	Willie Buck, Sr. v. Lincoln Electric Co., et al.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: WELDING ROD PRODUCTS
LIABILITY LITIGATION**

: **Case No. 1:03-CV-17000**
:
: **(MDL Docket No. 1535)**
:
: **JUDGE O'MALLEY**
:
: **PRETRIAL ORDER**
:

For the purposes of MDL 1535 and until further notice of the transferee court, this Order changes the duties of a transferor court under Rule 19(a), (b) and (c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation as follows:

Upon receipt of a certified copy of a transfer order from the clerk of the transferee district court, the clerk of the transferor court shall retain the entire original file and forward to the clerk of the transferee district court only a certified copy of both the docket sheet and the complaints together with amendments, if any. The clerk of the transferor court shall mark the case closed upon transfer to the transferee court. Following the docketing of a transfer order in the transferee court, any papers to be filed regarding any civil action covered by that transfer order are to be filed in the transferee court. If, upon review, further pleadings are needed from any of the transferor courts, specific individualized requests for those documents will be made at that time.

IT IS SO ORDERED.

s/ Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

47

United States District Court
Northern District of Ohio
801 West Superior Avenue
Cleveland, Ohio 44113

November 6, 2003

Southern District of Mississippi
Office of the Clerk
245 East Capitol Street
Suite 316
Jackson, MS 39201

Re: **MDL 1535 Welding Rod Products Liability Litigation**

Transfer of Civil Cases

Russell v Lincoln Electric Co.

MSS#

3:03-927

OHN#

1:03-17090

Dear Sir/Madam:

Enclosed is a certified copy (or copies) of Conditional Transfer Order (CTO-4) of the Judicial Panel on Multidistrict Litigation directing the transfer of the above referenced civil action(s) to the Northern District of Ohio pursuant to 28 U.S.C. Section 1407. The Honorable Kathleen McDonald O'Malley is to preside over this litigation.


Panel Rule 19(a) has been suspended in this litigation. Please provide only a certified copy of the docket entries and a certified copy of the complaint with any amendments to the complaint. If exhibits to complaint and/or notice of removal are lengthy please do not send. (See Pretrial Order enclosed)

Should you have any questions regarding this request, please call me at the number below.

Sincerely,

Geri M. Smith, Clerk

By



Renee Schumitsh
MDL Coordinator
(216) 357-7017

cc: MDL